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February 16, 2018

Re: Janvey v. Proskauer Rose, LLP, 3:13-cv-00477-N (N.D. Tex.)

The Honorable David C. Godbey  
United States District Court for the Northern District of Texas  
1100 Commerce Street, Room 1504  
Dallas, TX 75242-1003

Dear Judge Godbey:

We represent defendant Proskauer Rose LLP ("Proskauer") in the above-referenced matter.

Under this Court's July 7, 2017 scheduling order, trial is currently scheduled to commence on April 30, 2018 (see ECF No. 177), should the two remaining claims in this action survive Proskauer's motions for judgment on the pleadings (see ECF No. 99), choice of law determination (see ECF No. 151), and summary judgment (see ECF No. 219). As the Court is aware, those two claims are for aiding, abetting or participation in (1) breaches of fiduciary duty and (2) fraud. The Official Stanford Investors Committee ("OSIC"), as a purported assignee of the Receiver, seeks to recover against Proskauer on both claims solely on a respondeat superior theory of liability that is based on the conduct of Proskauer's former partner, Thomas V. Sjoblom, in his representation of Stanford Financial Group Company and certain of its affiliates in an investigation by the U.S. Securities and Exchange Commission between September 2006 and February 2009. Mr. Sjoblom is thus a potentially critical witness whom Proskauer may need to call in its defense if a trial is necessary.

Proskauer recently learned that Mr. Sjoblom is representing a defendant in a multi-week criminal trial in the U.S. District Court for the Eastern District of New York that is scheduled to begin on April 2, 2018. See United States v. Discala, No. 1:14-cr-0399 (E.D.N.Y.). Absent a change in circumstances, Mr. Sjoblom's commitment to his client and the U.S. District Court for the Eastern District of New York will preclude him from testifying at the trial in this action should OSIC's claims survive Proskauer's pending motions.

Because Mr. Sjoblom is an important witness in this action, Proskauer anticipates seeking a continuance of the April 30, 2018 trial date if a trial in this matter is necessary and Mr. Sjoblom remains unavailable to attend such trial. Should Mr. Sjoblom's availability change, we will update the Court promptly.

Respectfully submitted,



James P. Rouhandeh

cc: All Counsel of Record  
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